

## **MINUTES**

### **MONTANA SENATE 56th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON HIGHWAYS AND TRANSPORTATION**

**Call to Order:** By **CHAIRMAN ARNIE MOHL**, on January 26, 1999 at 3:00 P.M., in Room 410 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Arnie Mohl, Chairman (R)  
Sen. Ric Holden, Vice Chairman (R)  
Sen. Mack Cole (R)  
Sen. Bob DePratu (R)  
Sen. John Hertel (R)  
Sen. Reiny Jabs (R)  
Sen. Greg Jergeson (D)  
Sen. Glenn Roush (D)  
Sen. Debbie Shea (D)  
Sen. Spook Stang (D)

**Members Excused:** Sen. Daryl Toews (R)

**Members Absent:** None.

**Staff Present:** Connie Erickson, Legislative Branch  
Phoebe Olson, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: SB 137 SB 138 SB 139 SB 156  
SB 113, 1/19/1999  
Executive Action: SB 133

#### **HEARING ON SB 137**

**Sponsor:** SENATOR EVE FRANKLIN, SD 21, Great Falls

**Proponents:**

**Roger Hagan, MT National Guard**

**Jim Jacobson, MT National Guard Veterans Affairs Division**

**Larry Longfellow, VFW**

**Dean Roberts, MT Department of Transportation**

**John Sloan, Disabled Veterans**

**Opponents:** None

**Opening Statement by Sponsor:**

**SENATOR EVE FRANKLIN, SD 21, Great Falls,** said **SB 137** was an outgrowth of the Veterans Affairs Interim Committee. She explained that this bill amended statute necessary to implement the issuance of the National Guard Veterans and Legion of Valor members license plates. She said there was a number of special plates for certain veterans, however there were two groups, one was individuals that were eligible for the Legion of Valor. She said there were only five individuals who qualified in this State and thought that because they were getting older it was best to make this available as soon as possible. The other individuals they wanted to honor were veterans of the National Guard. She said she would present the neighboring legislation that dealt with CI-75 after this bill was heard.

**Proponents' Testimony:**

**Roger Hagan, MT. National Guard,** submitted written testimony.

**EXHIBIT**(his20a01)

**Jim Jacobson, MT Veteran Affairs Division,** commented that **SB 137** would provide some good revenue for two new state veterans cemeteries. He contended that the Legion of Valor was a very select group of people, five in this State that had been awarded either the medal of honor or one of the service crosses. He stood in support of both the groups receiving the plate. He said that if CI-75 was going to impact the measure that maybe it should be passed on.

**Larry Longfellow, Veterans of Foreign Wars,** said that his association supported the bill.

**Dean Roberts, MT Department of Transportation,** responded that generally they did not support license plate bills because of the number of different plates out there but this was just another plate that would have a V on the end and would not cause problems with the numbering system in law enforcement. He remarked that the Department did not have a problem with the bill.

**John Sloan, Military Order of Purple Heart, and Disabled American Veterans**, said there were 10,000 disabled veterans in the State of Montana and they were in strong support of the bill.

**Opponents:** None

**Questions from Committee Members and Responses:**

**SENATOR BARRY "SPOOK" STANG**, stated the fiscal note on the three bills all added up to 648 hours for programing time. He asked if that wasn't obsessive.

**Dean Roberts**, replied that it was not. He said the computer system. was obsolete.

**SENATOR STANG**, asked if they were doing the programing anyway and were they many hours behind? He wondered if it was fair to charge all those hours to this one bill.

**Dean Roberts**, said they were not behind on any of the plate type actions. If other plates came before the committee that had the same fiscal note, one could be thrown out.

**Brenda Nordlund, MT Department of Justice**, said that if you looked at the top of the fiscal note, Item #3, it says that if more than one new plate type passes into law, all new plate types could be completed at the same time at a one time cost of \$19,000. She said that you wouldn't aggregate the 216 hours of programing time that appeared on all the fiscal notes, but that it was 216 hours total.

**SENATOR REINEY JABS**, asked if the local treasurer would get the processing fees.

**SENATOR FRANKLIN**, replied they would.

**Closing by Sponsor:**

**SENATOR FRANKLIN**, acknowledged that this was a difficult situation, and she asked the committee to try and work with them. She thought that everyone would like to see the project go forward.

**HEARING ON SB 138**

**Sponsor:** SENATOR FRANKLIN

**Proponents:**

**Roger Hagan, MT National Guard**  
**Jim Jacobson, MT Veterans Affairs Division**  
**Dean Roberts, MT Department of Transportation**

**Opponents:** None

**Opening Statement by Sponsor:**

**SENATOR FRANKLIN**, said that this bill was the enabling authorization to impose a \$10 license fee for the Legion of Valor members and surviving spouses, and submitting it to the electorate. She explained that the bill also contained a contingent voidance provision. She commented that the fiscal note showed a significant cost attached to the bill and that caused some concern, but she realized that it would have to go to the electorate for approval.

**Proponents' Testimony:**

**Roger Hagan, MT National Guard**, see **Exhibit 1**.

**Jim Jacobson, MT Veterans Affairs**, referred to his previous testimony.

**Opponents' Testimony:** None

**Informational Testimony:**

**Dean Roberts, MT Department of Transportation**, suggested that if you took the \$10.00 fee off the Legion of Valor plate since there were only five members out there it would not fall under the CI-75 requirements.

**Questions from Committee Members and Responses:**

**SENATOR STANG** asked why the fiscal notes that involved submitting these proposals to the electorate, varied from \$15,000 to \$51,000.

**Angela Folks, Secretary of State Offices**, said that they were asked to come up with the cost of printing the voter information pamphlet. She found that it cost .002 cents per page for printing. She then assumed 525,000 copies, attached to that is the cost to the counties of .008 cents per page to put labels on and mail the pamphlets. She said, currently the law required that the entire bill be printed as well as a cover sheet listing a for and against statement, the Attorney General's information, a proponents argument and an opponent arguments and a rebuttal

argument. Each of those is at least four pages. They then added on to that the total number that the bill is required for us to print. This explained the variety of costs, if the bill is short it is less expensive, if it is longer then it is more expensive.

**Closing by Sponsor:**

**SENATOR FRANKLIN**, thanked Mr. Roberts for his alternative suggestion. Again she asked for favorable consideration in light of what happened with CI-75.

**HEARING ON SB 139**

**Sponsor:** SENATOR EVE FRANKLIN, SD 21, Great Falls

**Proponents:**

**Roger Hagan, MT National Guard**

**Hugh Cumming, American Legion**

**Larry Longfellow, Veterans of Foreign Wars**

**John Sloan, Disabled Veterans and Military Order of the Purple Heart**

**Jim Jacobson, MT Veterans Affairs Division**

**Opponents:** None

**Opening Statement by Sponsor:**

**SENATOR FRANKLIN** said this bill was an act to authorize the Department of Justice to enact a \$10 fee to issue National Guard Veterans license plates to veterans and their surviving spouses and it allows for the language and structure for placing it on the ballot to comply with CI-75. She explained that this was a larger number of people who would have access to this plate and she understood there was a fee involved and asked for the committees consideration.

**Proponents' Testimony:**

**Roger Hagan, MT National Guard**, clarified that a National Guard retiree was defined as someone who had at least 20 years combined service in the National Guard and an active component. Consequently an active person drilling with the National Guard would be authorized one set of National Guard plates by virtue of active drilling status. They would also be eligible for as many as the Veterans Plates as they chose to purchase for other vehicles.

**Hugh Cumming, American Legion**, said they were wholly in support of the bill.

**Larry Longfellow, Veterans of Foreign Wars**, said they supported the bill.

**John Sloan, Disabled Veterans and Military Order of the Purple Heart**, went on record in support of the bill.

**Jim Jacobson, MT Veterans Affairs Division**, said they certainly supported the bill but were concerned about the CI-75 impacts.

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

**SENATOR MACK COLE**, asked if all these bill would be covered under one election.

**Angela Folk**, said that was correct.

**SENATOR ARNIE MOHL**, asked if a new fiscal note could be drafted in the case that his bill went through that would only require one license plate.

**Closing by Sponsor:**

**SENATOR FRANKLIN**, said they found themselves in a special position in that the special license plates for veterans had always had two purposes. One was certainly to acknowledge their history and second, to raise money for other veteran's activities. This put them in an unfortunate situation of having to choose one or the other. Again she asked the committee to endorse the concept of acknowledging the activities of our fellow citizens in uniform but at the same time not to penalize their other activities by the imposition of fees. She asked that the committee allow time for the law to unfold and to see how it would effect these bills

**HEARING ON SB 156**

**Sponsor:**

**SENATOR MIKE SPRAGUE, SD 6, Billings,**

**Proponents:** None

**Opponents:****SENATOR JD LYNCH, SD 19, Butte****Opening Statement by Sponsor:**

**SENATOR MIKE SPRAGUE, SD 6, Billings,** said that there were a series of amendments, and that he spoke about the bill as if it were amended. **EXHIBIT(his20a02)** He gave the history of the original license plate numbering system and explained that **SB 156** would change the license plate numbers to convey current county size. He believed that accuracy was important. And he wanted to put some relativity back into the numbering system. He said that the process would be transitional and you would get the new numbered plate when you purchased a new car with a new plate. He said that if you wanted to keep your old plate that would be allowed. He reserved the right to close.

**Proponents' Testimony:** None**Opponents' Testimony:**

**SENATOR JD LYNCH, SD 19, Butte,** Stated that **SB 156** was truly a strange piece of legislation. He believed this was not a bill about accuracy but against tradition. He asserted accuracy had not always been the reason for things to be named and numbered. For example the Battle of Bunker Hill did not occur on Bunker Hill but on Breeds Hill, so to be accurate all the history books would have to be rewritten. He believed that the fiscal impacts of this bill were too great and he urged the committee to give it a do not pass recommendation.

***{Tape : 1; Side : B; Approx. Time Counter : 348; Comments : Tape was turned over at approximately 3:48 pm}***

**Questions from Committee Members and Responses:**

**SENATOR MACK COLE,** wondered if the sponsor knew where Treasure County would show up on the list.

**SENATOR SPRAGUE,** said he would find that information.

**SENATOR GLENN ROUSH,** commended the sponsor for bringing forth the bill. He thought it was nice to put a little humor into the legislature.

**SENATOR RIC HOLDEN,** said that **SENATOR SPRAGUE** made a good point on how difficult it was to memorize all the numbers of the

counties and then not understanding the relationship of those numbers to the population. He asked **SENATOR LYNCH** for suggestions to help the people in Dawson County remember their number.

**SENATOR LYNCH**, said they should refer to **SENATOR HOLDEN**, because he was sure he could educate all the people in Dawson County.

**SENATOR HOLDEN**, asked **SENATOR LYNCH** to suggest a jingle to help Dawson County remember their number.

**SENATOR LYNCH**, suggested "Sweet 16, Dawson All the Way."

**SENATOR REINY JABS**, asked if a person were to keep their number forever, if that wouldn't confuse everyone.

**SENATOR SPRAGUE**, said that the Highway Patrol could handle it. All they would have to do is pay attention to the sticker that is at the top of the plate with the correct number.

**SENATOR DEBBIE SHEA**, commented that she taught her children that the license plates numbers had to do with a historic perspective than current population.

**SENATOR SPRAGUE**, said he was glad that some relevance was being put into it. He challenged someone in the committee to name the numbers 46 to 56 and if they could he would concede the bill.

**SENATOR BARRY "SPOOK" STANG**, lived up to the challenge.

**SENATOR ARNIE MOHL**, stated that Butte was not number one completely but that the paper said Kalispell was the number one mountain city of the whole northwest.

**Closing by Sponsor:**

**SENATOR SPRAGUE**, thanked the Committee for a good hearing. He thought it was interesting that the newspapers did not agree on which number 10 should be. He stated that no one really knew for sure how it should be numbered. He said if numbers were not relevant there should be no numbers at all, but if they were relevant then they should be accurate. He thanked the committee for a good hearing.

**HEARING ON SB 113**

**Sponsor:** **SENATOR DALE MAHLUM, SD 35, Missoula**

**Proponents:**



Dean Roberts, MT Department of Transportation  
Brenda Nordlund, MT Department of Justice  
Gary Langley, MT Independent Automobile Association  
Jim Robinson, MT Independent Automobile Association  
Mark Steffes, MT Independent Automobile Association  
Steve Turkiewitz, MT Auto Dealers Association  
Allen Bundcroft, Great Falls Auto Corner  
Bob Gilbert, MT Tow Truck Association  
Milo Casagrande, MT Tow Truck Association  
Jim Dusenbergh, J and D Truck Repair  
Stuart Doggett, MT Manufactured Housing, RV Association

Opponents: None

Opening Statement by Sponsor:

SENATOR DALE MAHLUM, SD 35, Missoula, said that **SB 113** had many different aspects, but basically it protected the consumers of the State of Montana. He said **SB 113** assured that only qualified and responsible dealers sell motor vehicles to the public. He asserted that the bill was introduced by the request of the Department of Justice, and also by the request of several car dealers in his area. He quoted Attorney General Joe Mazurek, "unregulated used car dealers are cheating the public and not playing by the same rules as regulated dealers". Also Assistant Attorney General Brenda Nordlund, "**SB 113** will eliminate fly-by-night operators who are not regulated and who sell vehicles from parking lots, garages and out of their homes." He stated that this would not effect salvage or wrecking yards, tow truck operators, or RV dealers, who are already regulated under existing law. He explained that the major provisions of **SB 113** were a dealer must have an established place of business, with a sign stating the nature of the business. Regular business hours must be posted and a noncellular phone must be in use. A 25,000 dollar bond must be posted and garage keepers and vehicle liability insurance would have to be purchased. Also, at least 18 vehicles a year must be sold.

Proponents' Testimony:

Dean Roberts, MT Department of Transportation, gave a brief history of where the bill came from. He said there were 1764 dealers in Montana that were involved in the entire process of the bill.

Brenda Nordlund, MT Department of Justice, submitted fact sheet, **EXHIBIT(his20a03)** and an amendment to the bill. **EXHIBIT(his20a04)**

**Gary Langley, MT Independent Automobile Association,** said the association officially supported the bill and urged a do pass recommendation.

**Jim Robinson, MT Independent Automobile Association,** said the associations major function was to watchdog legislation that is pro and con auto industry. He made the point that the last two session had done very well for the auto industry. He said that it was important to put some teeth in the law so it would be enforced.

**Mark Steffes, MT Independent Automobile Association,** said that this bill suited the association very well in that it gave the association some credibility with their consumers. He remarked that he would be glad to answer any questions.

**Steve Turkiewitz, MT Auto Dealers Association,** felt that this industry was interested in regulating itself in fairness to its consumers and he urged a do pass.

**Allen Bundcroft, Great Falls Auto Corner,** said he would appreciate the committee's support of the bill.

**Bob Gilbert, MT Tow Truck Association,** said he supported the bill with the amendments.

**Milo Casagrande, MT Tow Truck Association,** said he would like the committee to support the bill.

**Jim Dusenberg, Capitol City Towers and J and D Truck Repair,** said they were in support of this bill.

**Stuart Doggett, MT Manufactured Housing, RV Dealers Association,** said this was a good consumer bill and they would like to go on record in support of it.

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

**SENATOR JABS,** asked what "proof of garage" meant.

**SENATOR MAHLUM,** responded that meant you had to have an area to display or sell a car. Proof that you were a business.

**SENATOR MAC COLE,** asked if any part of the bill covered him selling a pickup to **SENATOR HERTEL.**

**SENATOR MAHLUM**, said there would be no problem. This bill only covered those people who were trying to derive a livelihood out of it.

**SENATOR COLE**, asked where in the bill that was clarified.

**Brenda Nordlund**, said clarification was found on page 9, lines 29 through 30.

**SENATOR DARYL TOEWS**, said that an assumption was made that if people fell under these restrictions, that would make them responsible. He did not believe this to be so.

**Brenda Nordlund**, said he was absolutely right in terms of making a person responsible. But their role as a regulator was to make it very clear what was required under the law.

**SENATOR TOEWS**, stated that this seemed like more of a turf thing than anything else. If the other people would not have been grandfathered in, they would have heard from those who were infringed on.

**Brenda Nordlund**, said there was an aspect of the amendments that was in fact a turf battle. She maintained that all states that neighbor Montana had a retail sales threshold to maintain status as a used car dealer. She contended that 18 was the medium of most of those states. She said 48% of the used car dealers sell 15 or fewer vehicles in a year.

**SENATOR JOHN HERTEL**, asked if Brenda could explain what 61-4103 actually repealed.

**Brenda Nordlund**, responded that it was repealed because most of what was in that section was moved to other sections.

*{Tape : 2; Side : A; Approx. Time Counter : 0}*

**SENATOR HOLDEN**, asked if this bill would apply to the sale of farm vehicles.

**Brenda Nordlund**, said that it would not apply because those vehicles would be registered in the name of the owner.

**SENATOR HOLDEN**, asked what part of the bill talked about the buyers guide sticker.

**Brenda Nordlund**, stated that was covered on page 3, line 33 through page 4 line 4.

**SENATOR HOLDEN**, inquired what part of the bill talked about insurer notification to the Department of Justice.

**Brenda Nordlund**, said that appeared on page 4, lines 21 and 26.

**SENATOR HOLDEN**, asked where the fiscal note was for the Department, for the insurance notification part.

**Brenda Nordlund**, said she anticipated the Department being able to absorb those costs.

**SENATOR HOLDEN**, asked what part of the bill specifically speaks to the 18 vehicle cap.

**Brenda Nordlund**, said that the 18 vehicle cap appeared on page 8, lines 12 through 23, and page 5, lines through page 6 line 20.

**SENATOR HOLDEN**, stated he was somewhat distressed that in order to get an agreement on this, people had to be bought out by giving a grandfather clause. He believed that the bill stymied further competition, and he had some major reservations on the legislation.

**Brenda Nordlund**, said she appreciated his concerns. She said the two most important parts of the bill to the Department were the citation writing authority to the compliance specialists and the garage keepers liability insurance.

**SENATOR HOLDEN**, asked why Brenda felt that compliance provisions were so important when there were already law enforcement people to uphold the current law.

**Brenda Nordlund**, said the Department felt it was important because they were very supportive of their compliance specialists. She said if they had the ability to write a citation without running down local law enforcement it gave their position more credibility.

**Senator Holden**, stated a fiscal note was needed for the compliance features of the bill.

**Dean Roberts, Department of Justice**, said the Department already had compliance specialists, so a fiscal note was not needed because no new people were being added. He conveyed that no new duties were being assigned, but that the duties would just be easier to perform.

**SENATOR TOWES**, inquired if they were already sending their proof of insurance in to the Department and if they were already keeping those records.

**Dean Roberts**, said "no", but they were already taking care of all the bonding issues.

**SENATOR MOHL**, asked how the RV dealers could go to other cities and set up in parking lots and be in competition with the dealers that were already established in that city.

**Brenda Nordlund**, said that was current law. She conveyed that it appeared in this bill on page 4, lines 8 though 12.

**SENATOR MOHL**, asked if the bill couldn't be amended so that RV dealers fell under the same conditions.

**Brenda Nordlund**, said that would most likely be possible.

**SENATOR MOHL**, said he had a real problem with the Department taking on additional responsibilities, with out reflecting them with a fiscal note.

**Dean Roberts**, reiterated again that all these functions were already performed in the Department. This would make the job easier.

**SENATOR MOHL**, asked **SENATOR MAHLUM** to double check there would be no fiscal impact.

**Closing by Sponsor:**

**SENATOR MAHLUM**, thanked the committee for a good hearing. He addressed some of Senator Holden's concerns, but believed that he might not experience some of the problems in his smaller communities. He gave some examples of problems in Missoula that caused this bill to come forward. He said the bill was designed not to hurt qualified dealers now in existence. He contended the bill protected against unscrupulous salesmen. He believed the industry wanted this legislation to protect the integrity of their industry. He thanked the committee.

***{Tape : 2; Side : A; Approx. Time Counter : 444; Comments :  
Stopped tape for a five minute break.}***

**EXECUTIVE ACTION ON SB 133**

**Motion:** SEN. HOLDEN moved that SB 133 DO PASS.

**Motion:** SEN. HOLDEN moved that **AMENDMENT SB013308.ace**, by  
SENATOR MOHL DO PASS. **EXHIBIT(his20a05)**

**Discussion:**

SENATOR MOHL, said this amendment put **SB 149** into **SB 133** so the final bill would be a joint effort between the legislators, the Governor, and Attorney General. He also said this amendment did change the speed in school zones to 15mhp from 35mhp, but that was not in the copy that the committee had.

Connie Erickson, explained the amendment.

SENATOR JERGESON, asked if this amendment was adopted, how the other amendments applied.

SENATOR MOHL, said the bill became **SB 133** and the other amendments would amend **SB 133** and this amendment.

Connie Erickson, stated each of the other amendments would change the bill as amended.

SENATOR JERGESON, asked what the specific changes the amendment accomplished from the way **SB 133** came to the committee.

SENATOR MOHL, stated that **SB 133** did not address the Highway 93 speed limit. Also it did not address the urban areas on the interstate; also some changes in the basic rule.

SENATOR JERGESON, asked if both bills were the same in respect with speed limits for trucks.

SENATOR MOHL, stated both were identical on trucks.

SENATOR STANG, asked if there were any amendments prepared to remove the Highway 93 speed limit and the urban speed limit after this amendment was adopted.

Connie Erickson, replied that there were no such amendments.

**Vote:** Motion carried with Jergeson, Shea, and Stang voting no.

Connie Erickson explained what the amendments by Senator Fred Thomas would do.

**Motion:** SEN. HOLDEN moved that **AMENDMENT SB013302.ACE**, BY THOMAS  
DO PASS. **EXHIBIT(his20a06)**

**SENATOR STANG**, said he would like to segregate the amendments so he could offer a different effective date.

**SENATOR MOHL**, said the Department brought in a schedule that said they could have the signs up by May 17 if they knew the speed limit by March 15.

**SENATOR STANG**, said he wanted a May 28 effective date.

**SENATOR MOHL**, said they wanted to add that amendment in the House because then they would have a better idea when the Governor might sign it.

**SENATOR STANG**, said he would still like the bill to leave the Senate in the best shape possible.

**SENATOR HOLDEN**, withdrew his previous motion and he moved that **SECTION 3 AND 4 OF AMENDMENT SB013302.ACE DO PASS.**

**SENATOR STANG**, clarified that the fine went from \$25 to \$20 in the daytime, and the night time fine was left alone.

**Connie Erickson**, agreed that was so.

**Vote:** Motion **carried 9-2 with Jabs and Stang voting no.**

**Motion:** **SEN. STANG** moved that **SECTION 1, 2 AND 5 OF AMENDMENT SB 13302.ACE DO PASS.** But he changed the effective date in Section 5 to May 28, 1999.

**Vote:** Motion **carried 10-1 with Toews voting no.**

**Connie Erickson**, explained Amendment SB013303.ace., by Senator Toews **EXHIBIT(his20a07)**.

**Motion:** **SEN. TOEWS** moved that **SECTION 1 AND 2 OF AMENDMENT SB013303.ACE, BY TOWES. DO PASS.**

**SENATOR TOWES**, stated he thought it was interesting that the only scientific thing that was done during this investigation was driving around the state seeing how fast people drive. He said that it should be 80mhp and 75mdp to bring it into compliance with what people were already driving.

**SENATOR MOHL**, said when he made the study he based it on what he actually thought the cars were driving. He took into consideration the 10 miles an hour over that is allowed without going on one's record.

**SENATOR STANG**, said he had done a similar study in six different states and he concluded that 75mhp works adequately, but he had some interest in making two lanes 75mhp as well.

**Vote:** Motion **failed 10-1 with Toews voting yes.**

**Motion:** SEN. TOEWS moved that **SECTION 3 OF AMENDMENT SB013303.ACE, BY TOWES DO PASS.**

**SENATOR HOLDEN**, said this made good sense, since the Highway Patrol did not all function under the same guidelines.

**SENATOR STANG**, said he liked the idea, but maybe some parameters on distance should be set.

**SENATOR ROUSH**, said he liked this concept but had a problem with the words "in order to overtake".

***{Tape : 2; Side : B; Approx. Time Counter : 514; Comments : Turn tape over.}***

**SENATOR JERGESON**, said if the limit on the two lanes was 65mhp he could see using the 10mhp over to get around. He didn't think this was a good idea with the suggested speed limit.

**SENATOR TOWES**, referred back to the word "overtake" and commented that language was there to prevent people from speeding up in the event someone was passing them.

**SENATOR MOHL**, said he agreed with this and it was a good safety measure.

**Vote:** Motion **carried 10-1 with Jergeson voting no.**

**Motion:** SEN. HOLDEN moved **AMENDMENT SB013304.ACE, by Holden.**  
**EXHIBIT**(his20a08)

**SENATOR HOLDEN**, explained that this would increase the speed limit on two lanes to 75mhp, he believed this would save a lot of money on signs and make it consistent across the state.

**SENATOR JERGESON**, said he objected to this amendment because there was a fundamental difference between the interstate and two lane highways. The interstate had controlled access and a division of traffic making it much more efficient for traffic flow.

**SENATOR STANG**, said 70mhp better served the purpose for safety.



**SENATOR HERTEL**, said he knew there was concern about the fiscal note but he did not want to explain to his constituents that he kept it at 75mhp because of the cost. He could not support the amendment.

**SENATOR JABS**, said people had to realize that this was a one time cost.

**Vote:** Motion **failed 8-3 with DePratu, Holden, and Tows voting aye.**

**Motion:** **SEN. COLE** moved that **AMENDMENT SB013305.ACE, BY COLE DO PASS. EXHIBIT(his20a09)**

**SENATOR COLE**, explained the amendment.

**SENATOR SHEA**, said she supported this amendment.

**SENATOR TOEWS**, said part of the argument had merit but he did not feel this was necessary.

**SENATOR HOLDEN**, asked Dave Galt which size vehicle this applied to. He said there was a real problem in the farming communities. He wondered how they would be affected by this amendment.

**Dave Galt**, replied that this would apply to vehicles 1 1/2 tons and over.

**SENATOR MOHL**, commented that during the testimony quite a few people said trucks were driving faster than the cars were at the present time. He said that he agreed to what was in the bill.

**SENATOR JABS**, asked which line they were talking about.

**Connie Erickson**, said the amendment left trucks traveling on interstates at 70mhp during the day and 65mhp at night and trucks traveling on secondary highways could only travel 60mhp during the day and 55mhp during the night.

**SENATOR STANG**, said that this left current law in place on two lane roads.

**Connie Erickson**, agreed.

**SENATOR STANG**, said he tried to put truck speeds 10mhp lower than car speeds at one time. He said that one of the arguments used was they did not want a big difference between the speeds of cars and trucks. He said the bill, as amended, the night time speed

for cars on Highways would be 65mhp and the day would be 70. He believed a 10mhp between cars and trucks was being created if this amendment passed.

**Col. Reap**, said there were arguments both ways, he heard and read that the differential was hazardous to the point that traffic is not flowing smoothly, or at a consistent pace. The other side of the argument would be that a differential allows cars to go around a slower moving truck.

**SENATOR MOHL**, said that when the bill was drafted he believed there was a safety factor involved in passing trucks and that is why he kept the speeds on cars and trucks the same.

**SENATOR HOLDEN**, added that in his conversations with people in his district, nearly all farmers and ranchers had semi trucks to haul cattle and sheep. He said it was important for them to get to market with those loaded trucks. He believed that they should not be held up at a speed less than cars are allowed to travel. He spoke against the amendment.

**SENATOR JERGESON**, said he believed that they were ignoring traffic going in the other direction. He said the law of physics could never be changed and speed times mass would equal increased injuries and death in an accident.

**SENATOR COLE**, said they were only talking about two lane highways.

**Vote:** Motion carried 6-5 with Holden, Mohl, De Pratu, Hertel, and Towses voting no.

**Motion:** SEN. HOLDEN moved that AMENDMENT SB013306.ACE, by SWYSGOOD DO PASS. **EXHIBIT**(his20a10)

**SENATOR STANG**, asked if this was 75mhp day or night or just day.

**SENATOR HOLDEN**, day and night.

**SENATOR STANG**, said he was going to vote for this. He believed that on the interstate it made for smoother flowing traffic.

**SENATOR SHEA**, said that it was ironic that they were implementing a speed limit and excelerating truck speeds.

**SENATOR JABS**, asked if the highways were built for these higher speed trucks.

**Dave Galt**, said he did not know what speed the interstates were designed to handle.

**SENATOR JABS**, said he would go along with the amendment. He thought the program had worked well in Wyoming.

**Vote:** Motion **carried 7-4 with Cole, Jergeson, Roush and Shea voting no.**

**Motion:** **SEN. DEPRATU** moved that **AMENDMENT SB013307.ACE**, by **DEPRATU DO PASS. EXHIBIT(his20a11).**

**SENATOR DEPRATU**, explained his amendment.

**SENATOR STANG**, asked if the commission were to set a lower speed limit if a speed study would have to be conducted.

**SENATOR DEPRATU**, responded he believed they would.

**SENATOR MOHL**, said that this came about because the Department thought they were not allowed to set speed limits on segments of highways. This was to clarify that they could set a limit on segments less than 50 miles in length.

**SENATOR STANG**, stated this could apply to an area of road that had an excessive amount of curves; they would have the ability to set a speed limit.

**SENATOR STANG**, asked why it was not extended to cover interstate highways.

**SENATOR DEPRATU**, said that the roads he looked at were mostly in the western part of the state.

**SENATOR STANG**, asked if brought an amendment to the floor that brought that to interstate highways if he would have support for it.

**SENATOR DEPRATU**, said he would have to think about it.

**Connie Erickson**, said she was not sure it didn't already include interstates.

**Tim Reardon**, stated the commission had never been asked to do that on the interstates. He did not know if there were any prohibition on it.

**Vote:** Motion **failed 8-3 with Holden, Mohl, and Toews voting aye.**

**Connie Erickson**, explained that an amendment requested by Senator Grimes was not handed out. She asserted that the amendment imposed a speed limit for trucks more than one ton on Montana route 69, between Boulder and Whitehall. It would limit the speed to 55mhp at all times.

**SENATOR STANG**, said he would not support the amendment because at one time he was told you could not discriminate on sections of road that had federally funded money on them.

**SENATOR TOWES**, said that fell within the character of the whole bill and he would vote no.

**SENATOR JABS**, asked what the limit was now.

**SENATOR MOHL**, said with the amendment that was just adopted it would be 60mhp.

**SENATOR HERTEL**, said if they were singling out roads there were others he would like to put in.

**Vote:** Motion **failed unanimously**.

**Motion/Vote:** SEN. HOLDEN moved that **SB 133 DO PASS AS AMENDED**.  
Motion carried 10-1 with Toews voting no.

**ADJOURNMENT**

Adjournment: 5:53 A.M.

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SEN. ARNIE MOHL, Chairman

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PHOEBE OLSON, Secretary

AM/PO

**EXHIBIT** (his20aad)